

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE GONZALO PAULETTE and
GUILLERMO RIOL,

Defendants.

8:14CR184

ORDER

This matter is before the court on the motion to continue by defendants Jose Gonzalo Paulette (Paulette) (Filing No. 43) and Guillermo Riol (Riol) (Filing No. 41). The defendants seek a continuance of the trial scheduled for October 27, 2014. Riol has submitted an affidavit in accordance with paragraph 9 of the progression order whereby he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 44). Paulette's counsel represents that Paulette will submit an affidavit in accordance with paragraph 9 of the progression order whereby he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Both counsel represent that government's counsel has no objection to the motions. Upon consideration, the motions will be granted as to both defendants.

IT IS ORDERED:

1. Paulette's motion to continue trial (Filing No. 43) and Riol's motion to continue trial (Filing No. 41) are granted.

2. Trial of this matter as to both defendants is re-scheduled for **February 2, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 20, 2014, and February 2, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 20th day of October, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge